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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,426	11/28/2003	Gon Kim	0465-1096P	7365
2292	7590	09/13/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			PATEL, RITA RAMESH	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,426

Applicant(s)

KIM ET AL.

Examiner

Rita R. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Acknowledgement has been made of applicant's claim for priority under 35 U.S.C. 119. This application claims the benefit of Korean Application No. 10-2002-0075315 filed on November 29, 2002.

Drawings

The drawings received 11/28/03 are acceptable for examination purposes.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kronbetter et al. herein referred to as "Kronbetter" (US Patent No. 6,256,823).

Kronbetter teaches a washing machine 10 with housing 12 having an opening 19 in the front of panel 13. Also, there is a bellows 44 in the front panel 13, therein lying stationary drum 25 and rotating drum 30; bellows 44 reads on applicant's claim for a leakage preventing part. The motor 34 drives rotating drum 30 via a suitable connection, for example a belt 35 and pulley 36 (col. 4, lines 6-7). The span of the

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portion of Kronbetter from the reinforcing ribs 69, to the step 71, and the small annular rib 64 reads on applicant's claims for a ring type protrusion toward a center between the one and the other ends of the gasket part to block a gap between the openings of the drum 25 and the drum 30, as well as, a part that extends to a front end of the third opening from an inside of the leakage preventing part. The reinforcement ribs 69a, 69b, 69c as illustrated in Figure 3 of Kronbetter form a circular/ring like shape upon depression. As illustrated in Figure 2, the upper portion of Kronbetter's protrusion parts 69, 71, 64 teaches that the front end of the protrusion 71 is equal to the outside diameter of the third opening; simultaneously, the inner side diameter of the front end of the protrusion 65 is also greater than the outside diameter of the third opening; and the inner side diameter of the rear end of the protrusion 64 is smaller than the inside diameter of the third opening.

The bellows 44 embodies a first channel 46 having opposing sidewalls 50, terminating in a first and second fastening means 54, 56; the first fastening means 54 has an axially extending rib 65 engageable with one of the sidewalls of the first channel; and second fastening means 56 which has an axially extending rib 70 and is engageable with one of the sidewalls of the second channel and a radially extending lip 80 engageable with the door, whereby the stationary drum is sealed to the front panel of the washing machine. Opening 19 reads on applicant's claim for a first opening; the opening of stationary drum 25 reads on applicant's claim for a second opening; and the opening of rotating drum 30 reads on applicant's claim for a third opening. The diameter of the second opening (stationary drum 25) is greater than the diameter of the

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third opening (drum 30). The second opening of the stationary drum 25 is formed ahead of the third opening drum 30 in that the second opening connects with gasket 44 before the third opening, and that the second opening is higher at the top and lower at the bottom than the second opening. The reinforcement ribs 69 extends towards a front end of the third opening, drum 30, from an interior part of the bellows 44 (see Fig. 2).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-2, 5, 10-12, and 15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 6, and 11-13 of copending Application No. 10/722,150. Although the conflicting claims

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are not identical, they are not patentably distinct from each other because they both claim a drum type washing machine with a cabinet, drum, tub, and gasket therein. In addition to a support member between the drum and tub for providing sealing means.

Claims 1-2, 5, 10-12, and 15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 7-8 of copending Application No. 10/722,443. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim a washing machine including a cabinet, drum, tub, and gasket. The gasket including a leakage preventing part and a ring type protrusion.

Claims 1-2, 5, 10-12, and 15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 9 of copending Application No. 10/722,455. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim a washing machine including a cabinet, drum, tub, and gasket. The gasket including a leakage preventing part and a ring type protrusion.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim et al. (US 2004/0025544) teaches a horizontal washing machine with a gasket 30 for preventing water and laundry received in the drum 20 and tub 10 from being leaked outside the tub 10 (Paragraph [0045]). As seen in Figure 2 of Kim et al. the gasket creates a sealing path from the door along a straight away then forms a "Z"-shape and follows along a second horizontal straightaway where it connects with the edge of the drum 20, and finally forms a vertical part which connects with the tub 10. Said vertical part is analogous to a ring type protrusion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RRP



MICHAEL BARR
SUPERVISORY PATENT EXAMINER